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SUBJECT: NO JAIL TIME FOR EIGHT THAI HA PROTESTORS

REF: A) Hanoi 1165, B) Hanoi 1007, C) Hanoi 1205

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¶1. (SBU) SUMMARY: After a day of testimony December 8, the Dong Da People's Court in Hanoi convicted eight Thai Ha protestors for destruction of public property and disturbing the public order. Seven of the parishioners were given suspended sentences; one was issued a warning. None will serve jail time. The defendants remained defiant throughout the trial, arguing that they committed no crime. An estimated 1,000 Catholic supporters waited outside the courtroom amid tight security and greeted the ruling enthusiastically.

¶2. (SBU) COMMENT: The "Thai Ha trial," as it became known, was a high-profile event, and the light sentences were doubtless dictated from above. While taking a tough line on the land disputes themselves, the government appears eager to maintain -- even to improve -- relations with the Catholic Church (ref. A). In their protracted vigil, Thai Ha priests and parishioners disobeyed repeated calls from the People's Committee of Hanoi and local officials to disperse -- normally a serious offense. It is significant that of the thousands that participated in the prayer vigils at Thai Ha and Nha Chung earlier this year, only eight were convicted of minor offenses and received no jail time. END SUMMARY AND COMMENT.

The Trial

¶3. (U) On December 8, eight members of the Thai Ha Parish were tried at the Dong Da People's Court in connection with land-use demonstrations that resumed in August (Ref. A). The eight, ranging in age from 21 to 63, faced two sets of charges. The first, destruction of public property, focused on the defendants' roles in tearing down a low-level retaining wall surrounding the disputed property. The second, disturbing public order, focused on the subsequent demonstrations, in particular the allegation that the vigils obstructed traffic, caused excessive noise early in the morning and late at night, and disrupted class at a nearby school. The trial was led by Judge Hien, with a panel of two other judges assisting.

¶4. (U) In addition to Poloff, diplomats from Australia, the Czech Republic (representing the European Union), and Norway were allowed to attend the trials; a Swedish diplomat was not allowed entry. Two foreign journalists (representing AFP and NPR) and two dozen domestic journalists also attended the trials, while Reuters and AP were denied permission to attend. Police officials did not allow diplomats or the media into the actual courtroom; they watched via video feed from an adjacent room.

¶5. (U) Over 1,000 parishioners and other supporters had marched to the courthouse from the Thai Ha parish, many carrying palm leaves and wearing pictures of the Virgin Mary around their necks. Security in the area was tight with hundreds of police, including

riot police, present. As the parishioners arrived in front of the courthouse, they argued with local officials to allow them to enter in order to view the trial. In the end, the police agreed to let in four priests and a small group of family members of the accused. Throughout the day, the crowd sang and prayed in peaceful support of the eight on trial.

The Proceedings

¶6. (U) Of the eight defendants, two had remained in pre-trial detention -- Ms. Nguyen Thi Nhi for three months and Ms. Ngo Thi Dung for over two months. The remaining defendants had been arrested in August and September and were released after detentions varying from 2 weeks to over a month (Ref B). Nhi and Dung were seated at the front of the courtroom with three policewomen sitting on either side and between them. The other six accused sat behind them and wore large crucifixes around their necks.

¶7. (U) For most of the trial, prosecutors and judges read the charges against the eight defendants, questioned the defendants about their activities at the parish, and listed each of the many prayer vigils conducted at the disputed site over the past eight months. At several points in the trial, prosecutors used video footage of the protestors dismantling a section of the retaining wall to prove the defendants' involvement.

¶8. (U) Only two defendants were represented by attorneys -- one whom, Le Tran Luat, presented a spirited defense of his client Ms. Nguyen Thi Viet. Luat argued that the prosecution's case was groundless for three reasons: 1) the Catholic Church owned the disputed land, so under Vietnamese law the brick wall belonged to the Church and parishioners could do as they pleased. 2) the parishioners only tore down a three-meter section of the much larger wall in mid-August, while one month later the government tore down

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the remainder of the wall surrounding the rest of the property in order to turn the land into a public park (Ref C). In this regard, parishioners actually did the government a favor by assisting in dismantling the wall, the attorney argued. 3) Praying and singing religious hymns should not be considered disturbing the public order. The attorney also argued that the alleged crimes did not reach the threshold of severity required under the law for punishment.

Verdicts

¶9. (U) After a thirty-minute deliberation, Judge Hien reread the charges and pronounced the defendants guilty. In reading the sentences, Hien noted that of all the defendants, Ms. Nhi had been the one who had done the most to instigate the others. The sentences received by the defendants were as follows:

-- Ms. Nguyen Thi Nhi: 15-month suspended sentence with 24 months of administrative probation. Considering time already served in police detention, the suspended sentence was reduced to 11 months and 17 days.

-- Ms. Ngo Thi Dung: 13-month suspended sentence and 22 months administrative probation. Her suspended sentence was reduced to 10 months and 16 days.

-- Mr. Le Quang Kien: 13-month suspended sentence and 22 months administrative probation.

-- Ms. Nguyen Thi Viet: 12-month suspended sentence and 24 months administrative probation.

-- Mr. Nguyen Dac Hung: 12-month suspended sentence with "non-detention political reeducation" (Note: Less invasive than administrative detention, this involves periodic meetings with police or other MPS officers. End note.)

-- Mrs. Le Thi Hoi: 15-month suspended sentence with non-detention administrative reeducation.

-- Mr. Giuse Pham Tri Nang: 12-month suspended sentence with non-detention administrative reeducation.

-- Mr. Thai Thanh Hai: warning, in consideration of his status as a college student.

The Crowd Reacts

¶10. (U) Once news of the verdicts was released, the several hundred supporters still assembled outside the courthouse broke into loud applause and began chanting "innocent, innocent." After the trial, parishioners presented large bouquets of flowers to each of the defendants upon exiting the courthouse.

MICHALAK